IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 242 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PRAVIN KUMAR BRAJLAL AHUJA - Applicant(s)
Versus
THE STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR BB NAIK for Applicant(s) : 1,
Mr. RC Kodekar, Addl. PUBLIC PROSECUTOR for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2,
MR BD KARIA for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 23/07/2007
ORAL JUDGMENT

By way of this petition under Article 226/227 of the Constitution of India, the applicant, original-accused, has prayed for an

appropriate order to quash and set aside the case FIR bearing No. I-681 of 2002 dated 27th November 2002 filed before the Naranpura police station.

2. It is required to be noted that even much before filing of the present petition a supplementary chargesheet was filed against the applicant on 16th September 2005 in Criminal Case No. 1304/2005. Normally, unless there is some material chargesheet is not filed. It is the case on behalf of the applicant that even there is no case against the petitioner even if the supplementary chargesheet is considered. However, it is to be noted that the applicant has not produced supplementary chargesheet papers submitted on 16th September 2005. Therefore, unless all the supplementary chargesheet papers are produced it cannot be considered as to whether case is made out against the applicant or not. At this stage, Shri BB Naik, learned advocate appearing on behalf of the applicant prays for time to submit the supplementary

chargesheet papers. It is to be noted that even along with the supplementary chargesheet the applicant is also required to make necessary amendment in the application and hence under these circumstances it will be appropriate that let the applicant file a substantive application along with the supplementary chargesheet papers so that the same can be considered in accordance with law and on its own merits.

3. With these, the present application is disposed of with the above liberty. The ad-interim relief granted earlier is directed to be continued till 6th August 2007 so as to enable the applicant to move an appropriate substantive application along with the chargesheet papers. Rule is discharged.

[M.R. Shah, J.]

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